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10/797,839

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EXAMINER

MCCLAIN, GERALD

ART UNIT

PAPER NUMBER

3653

MAIL DATE

DELIVERY MODE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/797,839

Applicant(s)

BLAKE ET AL.

Examiner

Gerald W. McClain

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-16,25-27,30,31,33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-16,25-27,30,31,33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The amendment filed 22 August 2007 has been entered.

#### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Hino, et al. (US 2002/0162724) ("Hino").

Claim 1: housing (See FIG. 2, 110); coin sorter (S); input hopper (112); rotatable disk (2); stationary head (1); lower surface ([0137]); shaped regions (10); exit channels (8a to 8c); coin receptacle station (120); coin receptacles (124a to 124j); first position (FIG. 2); second position (FIG. 4); manifold (location of 152); coin paths (152); dampening mechanism (See FIG. 4 below, C and 122a);

Claim 2: casters (122b);

Claim 4: dampening mechanism (See FIG. 4 below, C and 122a); coin receptacle station (120); first end (See FIG. 4 below, C); housing (110); second end (See FIG. 4 below, Back Side (opposite Front Side) of 122a).



Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Jones, et al. (US 6,318,537) ("Jones"). Hino teaches all the limitations of the claims as discussed above. Hino does not directly show coin bags or coin bag holders.

Jones shows a similar device having a coin bags (52) and coin bag holders (58) for the purpose of holding the sorted coins of a specific denomination (column 2, lines 25-28). Therefore, it would have been obvious to a person having ordinary skill in the art

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at the time the invention to modify Hino as taught by Jones and include Jones' similar device having a coin bags and coin bag holders for the purpose of holding the sorted coins of a specific denomination.

Claim 5, 7-9, 14-16, 25-27, and 33-34, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Muellner (US 4,450,968). Hino discloses:

Claim 5: housing (See FIG. 2, 110); coin processing device (inside 110); coin processing unit (S); coin receptacles (124a to 124j); coin receptacle station (120); moveable platforms (122); first position (FIG. 2); second position (FIG. 4);

Claim 7: coin processing unit (S); disk-type coin sorter (S); exit channels (8a to 8c);

Claim 8: manifold (location of 152); coin paths (152); exit channels (8a to 8c); coin receptacles (124a to 124j);

Claim 9: coin receptacles (124a to 124j); coin bins (124a to 124j);

Claim 14: housing (See FIG. 2, 110); door (122a); open position (FIG. 4); closed position (FIG. 2); moveable platform (122);

Claim 15: door (122a); rear side (See FIG. 4 below, D); housing (See FIG. 2, 110);

Claim 16: door (122a); front side (See FIG. 4 below, D; Note: the location of D can be defined as the rear or front side); housing (See FIG. 2, 110);

Claim 25: receiving a plurality of coins of a plurality of denominations to be sorted (112; paragraph [0135]);

sorting the plurality of coins according to denomination with the coin sorting unit (S; paragraph [0130]);

directing (10) sorted coins to the plurality of coin receptacles (124a to 124j), each coin receptacle containing coins of a single denomination (paragraphs [0131] to [0134]);

moving (122) one of the coin-receptacle platforms from the first position (FIG. 2) to the second position (FIG. 4) for accessing the coin receptacles (paragraph [0136]);

Claim 26: opening a door (122a) of the housing prior to moving the one of the coin-receptacle platforms from the first position the second position (paragraph [0136]);

Claim 27: housing (See FIG. 2, 110); coin processing device (inside 110); coin sorting unit (S); coin receptacle area (area taken by 120); coin receptacle station (120); coin receptacles (124a to 124j); moveable platforms (122); first position (FIG. 2); second position (FIG. 5); moveable coin bin (the enclosed space of 124a to 124j); interior (the enclosed space of 124a to 124j)

Claim 33: moveable platforms (122); mating profile (122)

Claim 34: the moveable platforms (122) is *capable of* being cantilevered.

Hino does not directly disclose a *plurality* of individual moveable platforms or a track (a rectangle is a type of trapezoid).

However, the mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP 2144.04 (VI) (B). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino

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and include a *plurality* of individual moveable platforms for the purpose of providing more receiving space.

Muellner shows a similar device having a track (24) for the purpose of receiving and capturing the casters (column 2, lines 57-66). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Hino as taught by Muellner and include Muellner's similar device having a track for the purpose of receiving and capturing the casters.

Claims 10, 12-13, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Muellner and further in view of Jones, et al. (US 6,318,537) ("Jones"). Hino teaches all the limitations of the claims as discussed above. Hino does not directly show a *plurality* of individual moveable platforms, a track, coin bags, or coin bag holders.

However, the mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP 2144.04 (VI) (B). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino and include a *plurality* of individual moveable platforms for the purpose of providing more receiving space.

Muellner shows a similar device having a track (24) for the purpose of receiving and capturing the casters (column 2, lines 57-66). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify

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Hino as taught by Muellner and include Muellner's similar device having a track for the purpose of receiving and capturing the casters.

Jones shows a similar device having a coin bags (52), and coin bag holders (58) for the purpose of holding the sorted coins of a specific denomination (column 2, lines 25-28), respectively. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Hino as taught by Jones and include Jones' similar device having a coin bags, and coin bag holders for the purpose of holding the sorted coins of a specific denomination, respectively.

Claims 11 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Muellner and further in view of Jones. Hino teaches all the limitations of the claims as discussed above. Hino does not directly show a *plurality* of individual moveable platforms, a track, coin bags, coin bag holders, or a coin bag partition.

However, the mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP 2144.04 (VI) (B). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino and include a *plurality* of individual moveable platforms for the purpose of providing more receiving space.

Muellner shows a similar device having a track (24) for the purpose of receiving and capturing the casters (column 2, lines 57-66). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify



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Hino as taught by Muellner and include Muellner's similar device having a track for the purpose of receiving and capturing the casters.

Jones shows a similar device having a coin bags (52), coin bag holders (58), and a coin bag partition (44) for the purpose of holding the sorted coins of a specific denomination (column 2, lines 25-28) and sorting coins of various denominations (column 2, lines 25-28), respectively. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Hino as taught by Jones and include Jones' similar device having a coin bags, coin bag holders, and a coin bag partition for the purpose of holding the sorted coins of a specific denomination and sorting coins of various denominations, respectively.

### ***Response to Arguments***

Regarding the claim rejections under 35 USC § 112, they are all withdrawn as being traversed by Applicant's arguments.

Regarding the rejections under 35 USC § 102 and 103, the Applicant's remarks will be addressed per Applicant's **Remarks** sections.

#### **II. Rejections under 35 USC § 102**

Claim 1 does not state in what direction the damping force is exerted or in what operation (closing or opening). In the closing operation there is a damping force exerted.

#### **III. Rejections under 35 USC § 103**

Claim 3 does not separately claim the limitations of Claim 1. The argument is above. (possible typo from Claim 1?)

IV. Rejections under 35 USC § 103

A. Claims 5-16 (actually Claims 5 and 7-9)

Regarding the use of MPEP 2144.04 (VI) (B), Applicant states, "The court stated that '[i]t is well settled that the mere duplication of parts has no patentable significance unless a new and unexpected result is produced, and we are of the opinion that such is not the case here.' Id."

The duplication of parts here does not produce a "new and unexpected result" from the duplication. MPEP 2144.04 (VI) (B) is correctly cited to show that a "mere duplication of parts" is obvious since it involves only routine skill in the art. Multiple moveable platforms together in one unit do not function differently than multiple individual platforms provided side by side. (Argument A)

B. Claims 14-16

(1) Contextually, as presented by the Examiner, the term "door" would appear to encompass a hood of a car, a tent flap, or a window, or even a warning sign disposed prominently in a hallway, items which are not typically associated with the terminology "door." Such a reading would not objectively appear reasonable. ...

(2) The front wall 122a has itself neither an open position nor a closed position and does not permit the moveable drawer to move from a first position to a second position "when the door is in the open position."

Applicant asserts (1) is reasonable. Further, the first and second positions are shown in FIG. 4 and 2, respectively. The door "permits" this movement to take place when the door is in any position.

C. Claims 25-27

Regarding the duplication of parts, see Argument A above.

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Stated differently, Hino cannot teach the recited subject matter, even under the Examiner's unduly broad interpretation since the alleged "door (122a)" cannot be opened prior to moving the drawer (*i.e.*, the alleged coin-receptacle platform) from the first position to the second position since the front wall 122a is an integral part of the drawer 122 and cannot be moved prior to movement of the drawer itself.

Note that Claim 26 states the following.

The method of claim 25, further comprising: opening a door of the housing *prior* to moving the **one of the coin receptacle platforms** from the first position the second position. (emphasis added)

Examiner construes the claim such that door A opens prior to one of the **other** coin receptacle platforms B moves from the first to second position, where B has a corresponding door C that is not A.

V. Rejections under 35 USC § 103

Regarding the duplication of parts, see Argument A above.

Applicant states, "The mere fact that references can be combined or modified does not itself render the resultant combination obvious"

Examiner provided a motivation for the combination that renders it obvious.

Muellner is not pertinent to the problem of addressing a "need to provide greater access to the coin receptacles contained within a coin redemption machine," nor would it have reasonably commanded itself to the attention of one attempting to address such need. Muellner is non-analogous art for at least this reason. As previously noted, differences in classification is evidence of non-obviousness that must be considered by the Examiner. Muellner is primarily classified under U.S. Class 211. In contrast, Hino is primarily classified under U.S. Class 194. There is also no overlap in class/subclass. The fields searched by the respective Examiner's prosecuting these applications underscores the markedly different fields searched for each of these references. The Examiner improperly dismisses this evidence. The fields searched by the respective Examiner's prosecuting the Hino or Jones and Muellner applications underscores the markedly different fields on endeavor.

Examiner directs Applicant to Muellner. It is classified in class 194/4R.

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald W. McClain whose telephone number is (571) 272-7803. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gerald W. McClain  
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